



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

August 12, 2021

VIA ECF

Hon. Katherine P. Failla
United States District Judge
United States District Court
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *Shahriar v. Mayorkas, et al.*, No. 21 Civ. 5279 (KPF)

Dear Judge Failla:

This Office represents the government in this action in which the plaintiff seeks an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate his Application to Register Permanent Residence or Adjust Status (Form I-485). I write respectfully to request an on-consent extension of 120 days for the government to respond to the complaint (*i.e.*, from August 17 to December 15, 2021). If the Court grants the requested extension, I respectfully request that the initial conference now scheduled for October 22, 2021, be adjourned until approximately two weeks after the requested extended date (*i.e.*, to the week of January 3, 2022, or thereafter).

The extension is respectfully requested because USCIS is in the process of issuing a Request for Evidence (“RFE”) relating to the plaintiff’s Form I-485. The government anticipates that the requested extension will allow USCIS time to issue the RFE, the plaintiff to respond, and USCIS to determine next steps, including potentially taking adjudicative action, which may render this case moot.

This is the first request for an extension of the deadline to respond to the complaint and an adjournment of the initial conference. Plaintiff consents to these requests.

I thank the Court for its consideration of this letter.

Respectfully submitted,

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United States Attorney

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cc: Counsel of record (via ECF)

Application GRANTED. Defendants' response to the Complaint will be due December 15, 2021. Moreover, the initial pretrial conference is hereby ADJOURNED to January 6, 2022, at 12:00 p.m. The parties' joint letter and Proposed Case Management Plan and Scheduling Order will be due on or before December 30, 2021.

Dated: August 13, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE